

FILED 10 JUN 25 15:46 USDC-ORP

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1 CLAYTON L. HOWARD
 2 SID #5838277
 3 777 STANTON BLVD.
 4 ONTARIO, OR. 97914
 5 PLAINTIFF PRO. SE
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 9
 10

United States District Court
 District of Oregon

11		CV 10 - 737 - AC
12	CLAYTON LAMONT HOWARD,	CASE NO.
13	PLAINTIFF,	
14		(VERIFIED)
15		
16	vs.	CIVIL RIGHTS
17		COMPLAINT
18		
19	JOHN VARGO, M.D.,	42 USC § 1983
20	OREGON STATE PENITENTIARY;	
21	STEVE SHELTON, MD, OREGON	JURY TRIAL
22	DEPARTMENT OF CORRECTIONS;	DEMANDED
23	DR. HANSEN, M.D., OREGON	
24	STATE PENITENTIARY; DR. GULICK,	

1 M.D., SNAKE RIVER CORRECTIONAL
2 INSTITUTION; S. Hodge, RN,
3 SNAKE RIVER CORRECTIONAL INSTITUTION;
4 MS. BONNER, NURSE, SNAKE RIVER
5 CORRECTIONAL INSTITUTION; K. ROBINSON,
6 X RAY TECH, SNAKE RIVER CORRECTIONAL
7 INSTITUTION; GO PAYNE, SNAKE RIVER
8 CORRECTIONAL INSTITUTION; BRAD
9 CARN, SNAKE RIVER CORRECTIONAL
10 INSTITUTION; LT. EASTWOOD,
11 SNAKE RIVER CORRECTIONAL
12 INSTITUTION; CPT. CAMPBELL,
13 SNAKE RIVER CORRECTIONAL
14 INSTITUTION; JAMIE MILLER,
15 SNAKE RIVER CORRECTIONAL
16 INSTITUTION; MARK NOOTH,
17 SNAKE RIVER CORRECTIONAL
18 INSTITUTION; OREGON
19 DEPARTMENT OF CORRECTIONS,
20 SNAKE RIVER CORRECTIONAL
21 INSTITUTION, AND OREGON
22 STATE PENITENTIARY;

23
24 All in their individual

1 AND OFFICIAL CAPACITY,
2 ACTING UNDER COLOR OF STATE
3 LAW, FOR THEIR ACTIONS AND/OR
4 IN-ACTIONS;
5 DEFENDANTS

6 7 8 I. INTRODUCTION

9
10 1) This is A VERIFIED CIVIL RIGHTS
11 COMPLAINT FOR COMPENSATORY, NOMINAL,
12 AND PUNITIVE DAMAGES, FOR DEFENDANTS
13 VIOLATIONS OF PLAINTIFFS RIGHTS UNDER
14 THE FIRST, EIGHTH, AND FOURTEENTH AMEND-
15 MENTS OF THE UNITED STATES CONSTITUTION,
16 AND ARTICLE I, SECTION 16 OF THE OREGON
17 CONSTITUTION, AS WELL AS OREGON REVISED
18 STATUTE LAWS, AND OREGON DEPARTMENT
19 OF CORRECTIONS ADMINISTRATIVE RULES, POLICIES,
20 AND PROCEDURES. THE VIOLATIONS GIVING
21 RISE TO THIS COMPLAINT INVOLVE RETALIATION,
22 DELIBERATE INDIFFERENCE TO PLAINTIFFS
23 SERIOUS MEDICAL NEEDS, RECKLESS DISREGARD
24 FOR PLAINTIFFS RIGHTS AND SERIOUS MEDICAL NEEDS,

1 AND DUE PROCESS OF LAW.

2
3 II. Jurisdiction

4
5 2) THIS COURT HAS JURISDICTION
6 PURSUANT TO 42 USC § 1983, 28 USC
7 §§ 1331 AND 1343 AS A FEDERAL QUESTION
8 ARISES UNDER THE UNITED STATES CONSTITUTION.
9 ADDITIONALLY NOMINAL, COMPENSATORY, AND
10 PUNITIVE DAMAGES ARE REQUESTED FOR THE
11 VIOLATIONS OF PLAINTIFFS RIGHTS.

12
13 3) VENUE IS APPROPRIATE IN THIS COURT
14 UNDER 28 USC § 1391 SINCE SUBSTANTIAL
15 EVENTS GIVING RISE TO THIS COMPLAINT
16 OCCURED IN THIS DISTRICT.

17
18 4) PURSUANT TO THE REQUIREMENTS OF
19 THE PRISONERS LITIGATION REFORM ACT,
20 42 USC § 1997, ALL AVAILABLE REMEDIES
21 HAVE BEEN EXHAUSTED THROUGH OREGON
22 DEPARTMENT OF CORRECTIONS, OREGON TORT
23 CLAIMS - DEPARTMENT OF ADMINISTRATIVE
24 SERVICES, AND GRIEVANCE REVIEW SYSTEM,

1 prior to this complaint being filed.
2

3 III. PARTIES
4

5 5) Plaintiff, Clayton Lamont Howard,
6 is a inmate in the custody of the
7 Oregon Department of Corrections,
8 under a sentence imposed by the
9 State of Oregon. Plaintiff is currently
10 incarcerated at the Snake River Corr-
11 -rectional Institution in Ontario Oregon.
12 In this complaint the questions that
13 give rise to the complaint occurred while
14 plaintiff was incarcerated at the Oregon
15 State Penitentiary and Snake River Corre-
16 ctional Institution, in special housing.
17

18 6) Defendant Vargo is a Doctor at
19 the Oregon State Penitentiary and is
20 the chief medical officer;

21 Defendant Shelton is a Doctor and
22 is the Oregon Department of Corrections
23 Health Services medical Director;

24 Defendant Hansen is a Doctor

1 At the Oregon State Penitentiary;
2 Defendant Gulick is A Doctor At the
3 Snake River Correctional Institution;
4 Defendant Hodge is A Registered Nurse,
5 and the Medical Services Manager At Snake
6 River Correctional Institution;
7 Defendant Bonner is A Nurse At the
8 Snake River Correctional Institution;
9 Defendant Eastwood is A Lieutenant
10 At Snake River Correctional Institution;
11 Defendant Payne is A Officer At the
12 Snake River Correctional Institution;
13 Defendant Miller is the Assistant Supt.
14 of Security At Snake River Correctional Institution;
15 Defendant Cain is the Security Manager
16 At Snake River Correctional Institution;
17 Defendant Campbell is A Captain At
18 Snake River Correctional Institution;
19 Defendant Nooth is the Superintendent
20 At Snake River Correctional Institution;
21 Defendant Robinson, X Ray Tech, Snake River;
22 7) All of the Defendants are being
23 sued in their individual and official
24 capacity, for their actions and/or inactions,

1 Acting UNDER COLOR OF STATE LAW, for
 2 their failure to provide Adequate and
 3 Necessary Medical Treatment, for their
 4 Reckless Disregard to plaintiffs serious
 5 medical needs, for their Deliberate
 6 Indifference to plaintiffs serious
 7 medical needs, for Intentional and
 8 Deliberate infliction of pain, knowingly,
 9 for their Retaliation, knowingly, violating
 10 plaintiffs statutory and Constitutional
 11 Rights, protected by state laws and the
 12 state and Federal Constitutions.

13 14 IV. Summary of Allegations

15
 16 8) plaintiff brings this Action
 17 due to SPECT prison officials'
 18 Reckless disregard and deliberate
 19 Indifference to plaintiffs serious
 20 medical needs, and osp officials
 21 Intentional causing plaintiff
 22 pain, by deprivation of medication.
 23 There are two (2) claims; (Claim I Against
 24 SPECT officials; Claim II osp officials).

V. CLAIM I

(SNAKE RIVER Correctional Institution)
 Deliberate Indifference; Reckless Disregard;
 Intentional Infliction of Pain; Misapplication
 of ODOC Administrative Rule; Retaliation;
 Gross Negligence; Serious Medical Needs,
 Condition, deprivation of medication,
 mental, emotional, pain and suffering.

ON DEFENDANTS: (BONNER, PAYNE, GULICK,
 HODGE, EASTWOOD, CAMPBELL, CAIN, MILLER,
 NOOTH, SHELTON, ROBINSON)

FACTS:

9) IN 2002 plaintiff was housed in
 the Disciplinary Segregation Unit (DSU)
 at the SNAKE RIVER Correctional Institution
 (SRCI). Plaintiff was subjected to "strip
 status" as defined in *Lemaine v. MAASS*,
 CV 89-382-PA, 745 F. Supp. 623. As a
 result plaintiff filed a Civil Rights Law-
 suit against SRCI officials, including medical.

1 10) IN December 2007 the CASE
 2 WAS SETTLED AND PLAINTIFF WAS GIVEN
 3 APPROX. \$9,300⁰⁰ TO SETTLE THE CASE, WITH
 4 A SIMILAR CASE, ⁽¹⁾ HOWARD V. KICKA, ET AL.
 5 (SRCI) CV 03 792 AA. IN THIS CASE
 6 PLAINTIFF ALLEGED DENIAL OF MEDICATION FOR
 7 PLAINTIFFS PAIN AND DOCUMENTED NECK AND
 8 BACK INJURIES. THIS CASE WAS WELL KNOWN
 9 TO SRCI OFFICIALS, SECURITY AND MEDICAL,
 10 DUE TO THE CHANGES RESULTING FROM THE
 11 LAWSUIT. PLAINTIFF IMMEDIATELY WAS
 12 SUBJECTED TO RETALIATION UPON RETURN
 13 TO SRCI.

14
 15 11) ON 12-12-07 PLAINTIFF WAS TRANSFERRED
 16 TO SRCI AND PLACED IN THE ADMINISTRATIVE
 17 SEGREGATION UNIT (ASU). FOR THE FIRST
 18 WEEK SRCI NURSE, DEFENDANT BONNER,
 19 REFUSED TO PROVIDE PLAINTIFF ANY OF HIS
 20 MEDICATION, STATING "OH WE KNOW WHO
 21

22 / / / / / / / / / /
 23 ⁽¹⁾ THE RELEVANCY OF THESE CASES ARE TO
 24 ESTABLISH RETALIATION CLAIMS ONLY

1 YOU ARE MR. HOWARD, YOU HAVE NOTHING
2 COMING HERE". PLAINTIFF WAS PRESCRIBED
3 SEVERAL MEDICATIONS (COLACE, ZANTAC, NAPROFEN,
4 BENADRYL, NASAL SPRAY, SUPPOSITORIES) ALL OF
5 WHICH DEFENDANT BONNER REPEATEDLY
6 DENIED PLAINTIFF, THOUGH PLAINTIFF SEEN
7 HER MARK THE MEDICATION (MAR) CARD AS
8 IF SHE HAD IN FACT ISSUED THE MEDICATION.
9 PLAINTIFF REPEATEDLY REQUESTED HIS MEDICATION
10 AS HE WAS IN PAIN, (IN NECK, BACK) AS
11 WELL AS BLEEDING WHEN DEFECATING, HAVING
12 PROBLEMS BREATHING, AND PAIN IN PLAINTIFF'S
13 STOMACH. NURSE BONNER WAS UPSET AT
14 PLAINTIFF ALSO, FOR REFUSING A T B TEST,
15 WHICH PLAINTIFF TOOK AT THE PREVIOUS
16 INSTITUTION, BUT BONNER INSISTED PLAINTIFF
17 DID NOT (THOUGH SHE LATER FOUND OUT
18 I DID TAKE IT; FROM ANOTHER SRCI NURSE).
19 PLAINTIFF'S GRIEVANCES (# 2007-12-0321033)
20 OUTLINES THE HARASSMENT, RETALIATION
21 AND DELIBERATE INDIFFERENCE TO THE
22 MEDICATION DENIALS. AS A RESULT OF
23 BEING DENIED MY MEDICATION PLAINTIFF
24 SUFFERED PAIN, (DELIBERATELY BY BONNER)

1 from 12-12-07 thru 12-20-07.

2 Defendant BONNER didn't stop there

3

4 12) Plaintiff complained about Nurse

5 BONNERS Actions to Defendant Hodge,

6 and in retaliation Nurse BONNER spoke

7 to Hodge, and Hodge supported Nurse

8 BONNERS Retaliatory Actions, and though

9 her supervisor, refused to intervene,

10 allowing plaintiffs medical conditions

11 to continue, and worsen. Plaintiff had

12 A "Allergic Reaction" from the deprivation

13 of Benadryl, causing plaintiff to be

14 taken to the SSCI Infirmary, where

15 Nurse Fritz gave plaintiff medication

16 and scheduled plaintiff to see SSCI

17 Dr. Gulick, M.D., BONNER, learning

18 this spoke to (Defendant) Gulick

19 before plaintiff, and as a result

20 defendant Gulick discontinued and

21 refused to reorder plaintiffs medications

22 (Benadryl and Nasalide), stating that

23 Counseling and Treatment Services (CTS),

24 not medical, must approve the Benadryl.

1 plaintiff was told by CTS that this
2 was false, which plaintiff already knew,
3 as the medication had been routinely
4 renewed by All DOC Doctors prior to
5 arrival at SRET. Defendant Gulick
6 discontinued the NASALIDE and put
7 plaintiff on CLARITIN, though none of
8 the symptoms for CLARITIN existed
9 with plaintiff. Plaintiff told Gulick
10 he was aware of Nurse Bonner asking
11 him to discontinue the medication, to
12 get her out of the medication deprivation
13 claim. Defendant Gulick refused to
14 reorder the medication and as a result
15 plaintiff suffered continuously; could
16 not sleep due to breathing problems,
17 continuous skin irritation, extensively.
18 Though the medical condition may
19 not be "serious", it was the "intent,"
20 and deprivation "due to retaliation" that
21 brings forth this claim, against Bonner
22 and Gulick, However the retaliation
23 and deprivation didn't stop there and
24 in fact escalated into a "serious" level.

1 13) Prior to Arrival At SRECT
 2 Plaintiff had A Medical Order for
 3 "Double handcuffs". This order, dated
 4 6-26-07 was for (1) year. The purpose
 5 is clearly documented in plaintiff's
 6 medical file, going back to 1987.

7 The order was issued by OSP Dr.
 8 Vargo, who had testified as a
 9 defendant in a trial regarding
 10 plaintiff's "SERIOUS" medical needs,
 11 to wit: neck, back, shoulder, arm,
 12 hands pain. In retaliation for
 13 the grievance against Bonner and
 14 Gulick, coupled with defendant
 15 PAYNE'S actions (2) Defendant Gulick,
 16 without even examining plaintiff
 17 or speaking to plaintiff, discontinued
 18 the order, causing an "Immediate
 19 Security Concern with Security Staff".
 20 Plaintiff learned of the discontinued
 21 order from a nurse who came to my
 22

23 / / / / / / / / / /
 24 (2) PAYNE AND BONNER may be relatives; Nepotism

1 CED AND TOLD ME I HAD "(1) MONTH,
2 AND TO EXERCISE, GIVING PLAINTIFF A
3 BOOKLET". PLAINTIFF LEARNED THE NEXT
4 DAY, FROM A "CONFIDENTIAL NURSE AND
5 STAFF" THAT DEFENDANT PAYNE COMPLAINED
6 TO NURSE BONNER, AND DEFENDANT CAMPBELL,
7 WHO CONTACTED MEDICAL FOR VERIFICATION
8 OF THE MEDICAL ORDER. UPON LEARNING
9 IT WAS VALID PAYNE, BONNER, CAMPBELL,
10 AND GULICK CONSPIRED TOGETHER, AND
11 THE ORDER WAS DISCONTINUED, BUT ALSO
12 CHANGED TO (1) MONTH. CAMPBELL DID NOT
13 LIKE DOUBLE CUFFED INMATES, WHICH PAYNE
14 KNEW, SO PAYNE USED HIS INFLUENCE WITH
15 BONNER TO GET GULICK TO DISCONTINUE
16 THE RESTRAINT ORDER. ONCE DISCONTINUED
17 PAYNE USED EVERY OPPORTUNITY TO
18 "INFLECT PAIN" UPON PLAINTIFF, INTENTIONALLY.

19
20 14) PRIOR TO THE "INTENTIONAL INFLECTION
21 OF PAIN" INCIDENTS, PLAINTIFF
22 ATTEMPTED TO GET DEFENDANTS CAIN
23 AND MILLER, AND NOOTH TO INTERVENE,
24 AS WELL AS HODGE, ALL TO NO AVAIL.

1 plaintiff wrote inmate communication
2 (kites) to Hodge, Cain, Campbell, Miller, Nooth
3 to get medical or security to authorize
4 the double cuff restraints. All requests
5 were refused. Medical said security
6 could allow it; security said medical
7 must allow it. Hodge said see Bonner.
8 plaintiff filed grievances to Culick
9 (#2007-12-035) and Cain (2008-02-004),
10 but both were denied, as well as the
11 appeals to Miller, Nooth, and Shelton.
12 Then Payne had the "go ahead" to
13 subject plaintiff to "excruciating pain".

14
15 15) ON 2-2-08 % SARAZIN AND
16 PAYNE CAME TO PLAINTIFF'S CELL,
17 ASU-07, AND INFORMED ME THAT
18 THE NURSE WANTED TO SEE ME. WHEN
19 I ASKED PAYNE WHY HE SAID "IF YOU
20 DON'T COME OUT, WE'RE COMING IN". I
21 ASKED SARAZIN WHY WAS I NEEDED
22 AND I LEARNED MY NON-WOOL BLANKET
23 ORDER WAS ALSO DISCONTINUED BY CULICK,
24 AT BONNERS REQUEST. (MORE RETALIATION).

1 I told both PAYNE AND SARAZIN I
2 NEED "double-cuffs" to go. PAYNE attempted
3 to "single-cuff" me, but due to the pain
4 I WAS EXPERIENCING, double cuffs were
5 IN FACT USED. HOWEVER ON THE WAY "to"
6 SEE the NURSE PAYNE SAID "you won't
7 be in doubles" ON THE WAY BACK, AND HE
8 MENT IT." After speaking with the NURSE
9 AND LEARNING of the Discontinued NON-
10 WOOL blankets, I was asked to take
11 ANOTHER "wool patch test", though my
12 file is clearly documented (for years),
13 I had NON-WOOL blankets. when I
14 told the NURSE my CLARITIN MAY CAUSE
15 A FALSE-NEGATIVE RESULT SHE ALLOWED
16 me to keep my Blankets AND RETURN
17 to my cell. HOWEVER PAYNE USED
18 "EXCESSIVE physical force" AND put
19 SINGLE cuffs on plaintiff. This
20 WAS AUTHORIZED by DEFENDANT EAST-
21 WOOD, who CAME to witness the pain
22 I experienced. He believed plaintiff
23 WAS "Acting". SEVERAL staff AND the
24 NURSE WATCHED PAYNE literally "drag"

1 plaintiff down the corridor, by
2 one arm, causing excruciating pain
3 in plaintiff's arm, shoulder, neck, and
4 back. PAYNE laughed all the way.
5 PAYNE knowingly, deliberately, maliciously,
6 and recklessly disregarded my rights,
7 and inflicted pain upon me. Defendant
8 Eastwood allowed the pain to continue,
9 by watching the infliction of pain,
10 and failing to stop it, though he
11 had the authority to do so. Grievance
12 # 2008-02-004 and 2008-02-012
13 outlines these events. My appeals to
14 Hodge, Cain, Campbell, Miller, Noot
15 All were denied. Further appeals
16 to Shelton were denied.

17
18 16) on 3-3-08 PAYNE AGAIN "WAS
19 CALLED" to be the one to apply "single"
20 cuffs on me, so my cell could be
21 searched. PAYNE AGAIN, in the
22 presence of Eastwood, "inflicted
23 pain upon me", forcefully applying
24 single cuffs on plaintiff, this time

1 "PERSONALLY BEING CALLED TO THE UNIT
2 TO DO SO", BECAUSE OTHER STAFF COULD
3 NOT GET THEM ON ME. DAYNE, "PERSONALLY"
4 BEING THE "HOWARD SINGLE CUFF MAN",
5 CAUSED HIM TO "DEMONSTRATE" TO STAFF
6 "HOW HE DOES IT", (PAIN INTENDED TO ALSO
7 OCCUR. ON 3-3-08 HIS INFLECTION
8 REINJURED MY EXISTING EXCRUCIATING
9 PAINFUL NECK, SHOULDER, ARM, BACK,
10 AND HANDS. PAIN SHOT THROUGH MY
11 BODY, DOWN MY LEFT LEG. AFTER BEING
12 PUT BACK IN MY CELL I AGAIN WROTE
13 DEFENDANTS CAMPBELL, CARN, EASTWOOD,
14 MILLER, AND NOOTH, TELLING THEM
15 THAT OAR 291-046-0080(3) ALLOWED
16 "SECURITY" TO AUTHORIZE THE DOUBLE
17 CUFFS. THEY REFUSED. I HAD ALSO
18 WROTE THE ODOC CHIEF OF SECURITY,
19 JEFF PREMIO, ON THE MATTER (AS WELL
20 AS OTHER CONCERNS AGAINST SRCI OFFICIALS).

21
22 17) ON 3-12-08 PREMIO DROVE FROM
23 SALEM TO ONTARIO, AND SEEN ME.
24 WHEN I WAS PULLED OUT OF MY CELL

1 I was cuffed, "single", per Campbell,
2 (to all staff). Primo immediately had
3 the restraints removed "completely" and
4 spoke to Cain and Miller later, who
5 "finally", per security, authorized
6 the double-cuff authorization. They
7 could have prevented my pain from
8 occurring and failed to do so. Payne
9 used the opportunity to "put a hurting
10 on me". Eastwood assumed that I
11 was "simulating pain". Campbell
12 ordered all staff not to double
13 cuff me whatsoever, though he
14 knew of the previous order. Hodge,
15 Cain, Miller refused to intervene.
16 Nooth refused to order double
17 cuffs, and he had the authority
18 to do so. Finally Gulick seen
19 me, (after reinjury by Payne) and
20 ordered a tray of my neck.
21 Upon review of the test results
22 he ordered a MRI, and there-
23 after he and Shelton approved
24 plaintiff for surgery. Doublecuffs,

1 "per medical" was ordered, (in conjunction
2 with security). Plaintiff has been on
3 Vicodine and Neurontin for nerve
4 damage pain ever since (and other meds).

5
6 18) As a result of the actions and/
7 or inaction of Bonner, Hodge, Galtick,
8 Payne, Eastwood, Cain, Miller, Nooth,
9 and Shelton, plaintiffs constitutional
10 rights were violated. Plaintiff has been
11 subjected to retaliation, deprived of
12 medication, inflicted pain, knowingly,
13 deliberately, maliciously. Assault and
14 battery occurred by Payne. SSCI staff
15 should be held liable for their actions
16 and/or inactions. Plaintiff attempted
17 to resolve these claims through the
18 Tort Claims Act procedures, which
19 were denied. It appears SSCI-
20 ODOC officials choose litigation over
21 reasoning. They violated my rights
22 under administrative rules, Oregon laws
23 and the state and federal constitution.
24 Damages are appropriate for these claims.

1 19) while plaintiff was housed at
2 SRCI plaintiff had pending litigation
3 in the 9th Circuit Court of Appeals. The
4 pertinent case was pending "mediation"
5 settlement (Howard v. Lacy, et. al. NO
6 07-35432).

7 plaintiff's complaint alleged, in part,
8 allegations of back "and neck" injuries
9 sustained as a result of plaintiff
10 falling without adequate footwear. The
11 complaint alleged "severe" injuries were
12 sustained. Oregon Department of Corrections
13 defendants were represented by Oregon
14 Department of Justice Assistant Attorney
15 Generals, who requested, through counsel,
16 release of his medical records relating
17 to his alleged back and neck injuries.
18 Oregon Department of Justice Civil Rights
19 litigation paralegal, Marilyn Dunaway,
20 contacted plaintiff's counsel by email
21 and provided the necessary authorization
22 form for plaintiff to sign and give
23 to SRCI medical staff for the
24 medical records. This transaction

1 began on 6-18-08. MS. P. DEAN
2 brought the form to plaintiff's cell,
3 personally. After some discussion and
4 delay, the signed consent form was
5 provided on 6-24-08. The form(s)
6 noted "BACK(AND) NECK" records were
7 requested from DOJ and Counsel/plaintiff.

8
9 20) Plaintiff had the "Back" X RAY done
10 "ON 1-24-08" AND the "NECK" X RAY done
11 "ON 6-13-08", therefore the medical
12 records request was made "After" both
13 X RAY Reports / EXAMINATIONS were done.

14
15 21) ON 7-1-08 plaintiff seen defendant
16 Gulick regarding the seriousness of
17 the injuries to plaintiff's neck.
18 However upon review of plaintiff's file,
19 plaintiff was informed that "NO
20 NOTATION EXISTED" indicating that
21 the NECK X RAY WAS done 6-13-08.
22 Staff present (for security purposes),
23 AS WELL AS plaintiff informed Gulick
24 that the X RAY WAS IN fact done

1 ON 6-13-08. Galick told plaintiff
2 he'd "Get back with plaintiff because
3 something's not right"; (He ordered
4 the X RAY Report himself).

5
6 22) AS SOON AS plaintiff returned
7 to his cell (7-1-08) he sent a kite
8 to Ms. DEAN about the "NECK" XRAY
9 Report. plaintiff was told by response
10 he was rescheduled for "Back" X RAYS.
11 ON 7-9-08 plaintiff again wrote Ms.
12 DEAN and told her he needed the
13 "NECK" X RAY Report for pending
14 litigation, as a upcoming settlement
15 depended, in part, on the NECK XRAY
16 Results. plaintiff was told that
17 "There is no 6-13-08 NECK XRAY
18 Report.

19
20 23) ON 7-16-08 mediation negotiations
21 occurred. Because the mediator
22 was from California and flew by
23 plane to Portland, and because counsel
24 for plaintiff drove from Seattle, Washington,

1 plaintiff did not want to Reschedule
2 the hearing, but Noted it to both
3 Counsel and the mediator.

4
5 24) BECAUSE Plaintiff's "BACK" & RAY
6 Report was only "moderate degeneration"
7 plaintiff only sought \$7,000⁰⁰ of the
8 \$20,000⁰⁰ Claim. This sum would
9 have "substantially been INCREASED" with
10 more "SEVERE" damages to the Back,
11 "OR NECK", if the Reports were available.

12
13 25) plaintiff settled the Claim for \$6,200⁰⁰
14 on 7-16-08.

15
16 26) on 7-18-08 plaintiff pursued
17 the GRIEVANCE process, to be given
18 "Compensation", to make the Claim "full".
19 THE GRIEVANCE'S CLAIMS WERE DENIED
20 AND ALL AVAILABLE PROCESSES WERE
21 COMPLETED. Plaintiff also filed a
22 Tort Claim to be reimbursed, but
23 that claim to was denied, therefore
24 litigation was appropriate to pursue.

1 27) ON 7-22-08 PLAINTIFF SEEN
2 DR. GULICK. "HE HAD THE 6-13-08
3 "NECK" & RAY REPORT". HE INFORMED
4 PLAINTIFF THAT PLAINTIFF HAD "SEVERE"
5 DEGENERATIVE AND "HYPER TROPIC DISEASES"
6 INVOLVING PLAINTIFFS C5-6, C3-4, C-7
7 DISCS, WHICH APPEARED TO RELATE TO
8 THE SEVERAL TRAUMA'S PLAINTIFF SUSTAINED
9 (1987, 1998, 2002, 2006), AND THAT A "MRI"
10 WAS NECESSARY. THE MRI REPORTS
11 SUPPORT THE "SEVERENESS" OF THE NECK
12 INJURY. SURGERY WAS THEREAFTER
13 ORDERED AND APPROVED BY GULICK
14 AND SHELTON. PLAINTIFF'S PAIN WAS REAL.

15
16 28) PLAINTIFF WROTE K. ROBINSON, AS TO
17 WHY THE & RAY REPORT WAS "WITHHELD"
18 FROM PLAINTIFFS LITIGATION, (ON THREE
19 (3) OCCASIONS). NO RESPONSE WAS RECEIVED.
20 PLAINTIFF WROTE S. HODGE ABOUT THE
21 & RAY REPORT BEING WITH HELD FROM
22 PLAINTIFFS LITIGATION. NO RESPONSE
23 WAS RECEIVED. LATER PLAINTIFF SEEN
24 ROBINSON AND WAS TOLD "I CAN'T TALK

1 About it, but I did what I was
2 told".

3
4 29) Had plaintiff been in possession
5 of the "NECK" & RAY Report at the
6 mediation hearing, and had the report
7 been provided to plaintiff and counsel
8 prior to discussion about the settle-
9 -ment amount, the evidence would be
10 used to "substantially increase" the
11 settlement amount requested. Since
12 the Complaint sought \$20,000.00
13 at a minimum \$10,000.00 would have
14 been sought, but more likely with-
15 out post medical treatment \$15,000.00.

16
17 30) K. Robinson intentionally did not
18 document the 6-13-08 & RAY Report,
19 "as told". Plaintiff alleges it was S.
20 Hodge and/or Bonner who told her
21 to do it. Since a "Reckless Disregard,"
22 Intentionally, for plaintiff's rights
23 occurred, and a "substantial" due
24 process (and procedural) violation also

1 Resulted, Damages ARE Appropriate.

2
3 31) Additionally K. Robinson Committed
4 Gross Negligence, Imputed Negligence,
5 Willful and Wanton Negligence, Causing
6 Plaintiff Infliction of Emotional Distress,
7 Severely, Intentionally, which deprived
8 Plaintiff of Evidence in a Civil Matter.
9 Defendants Robinson^(s) Hodge^(s) Bonner
10 Should pay the full costs of the
11 \$20,000⁰⁰ Claim, minus settlement
12 of \$6,200⁰⁰, therefore \$13,800, to be
13 Awarded from their Compensatory
14 and/or "punitive" damages requested
15 in the Relief of this complaint
16 (VIII). At A Minimum Robinson is liable.

17
18 32) Plaintiff gave defendants the
19 opportunity to settle this matter
20 for \$800⁰⁰, and they refused.
21 That offer expired Jan. 1, 2009.
22 Defendants were told if litigation
23 was to occur the amount would be
24 substantially increased. They chose litigation.

VI. Claim II

(OREGON STATE PENITENTIARY; SALEM)
 DELIBERATE INDIFFERENCE; RECKLESS
 DISREGARD; INTENTIONAL INFLICTION OF
 PAIN; DEPRIVATION OF MEDICATION; RETALIATION;
 MALICIOUS INTENT TO CAUSE EXCRUCIATING
 PAIN AND SUFFERING; MENTAL, EMOTIONAL,
 PAIN AND SUFFERING; DISTRESS, ANXIETY.

ON DEFENDANTS: (VARGO, HANSEN, SHELTON)

FACTS:

33) AS A RESULT OF (4) INCIDENTS
 SINCE 1987 PLAINTIFF HAS SUFFERED
 SERIOUS, SEVERE, EXCRUCIATING PAIN
 IN PLAINTIFFS HANDS, ARMS, SHOULDER,
 NECK, AND BACK. THIS IS CLEARLY
 REFLECTED IN PLAINTIFFS MEDICAL FILES.
 THE (4) INCIDENTS CAUSING THE INJURY
 OCCURRED IN 1987, 1998, 2000, 2006,
 HOWEVER BETWEEN THOSE YEARS, PERIOD-
 -ICALLY, OTHER INCIDENTS CAUSED CONCERN.

1 34) BETWEEN 1987 AND THE CURRENT
2 DATE OF THIS COMPLAINT, PLAINTIFFS MEDICAL
3 FILE REFLECTS NERVE PAIN, HAND, ARM,
4 SHOULDER, NECK, AND BACK PAIN. PLAINTIFF
5 HAS BEEN ON SEVERAL TYPES OF PAIN
6 MEDICATIONS ON AND OFF SINCE 1987.
7 NAPROXEN, PERCOGESTIC, FLEET, NEURONTIN,
8 VICODINE, MOTRIN, TYLONOL, IBUPROFEN
9 & LAVAL. PLAINTIFF IS CURRENTLY ON
10 VICODINE, NEURONTIN, AND NAPROXEN,
11 AND HAS BEEN ON THESE FOR THE
12 PAST COUPLE YEARS OR THEREABOUT.
13 PLAINTIFF HAS HAD EMG'S, NERVE
14 TESTS, X RAYS, MRI'S, AND PHYSICAL
15 EXAMINATIONS BY NUMEROUS ODOC
16 AND OUTSIDE DOCTORS. PLAINTIFFS
17 MEDICAL CONDITION IS "SEVERE" AS
18 DOCUMENTED BY PLAINTIFFS ODOC
19 MEDICAL FILES. PLAINTIFF IS
20 CURRENTLY PENDING CONSULTATION
21 FOR SURGERY. ODOC-OSP DOCTORS
22 VARGO AND HANSEN ARE WELL AWARE
23 OF PLAINTIFFS SERIOUS MEDICAL NEEDS.
24 AT ONE TIME, UPON BEING DENIED

1 medication (for pain) plaintiff filed
2 state court litigation, which resulted
3 in the medication being continued (2000).
4 However since then Vargo has refused
5 to see plaintiff what so ever, even
6 though for "years" he was assigned as
7 OSP's special housing units health
8 care provider, who "normally" sees
9 all SHU inmates..... except plaintiff,
10 and in retaliation for filing grievances
11 and litigation against him, his actions
12 have become "vindictive, deliberate,
13 malicious, reckless, knowing, intentional,
14 and "life threatening potentially."

(VARGO)

15
16 35) ON 11-19-2008 plaintiff was
17 transferred from SRCI to OSP for
18 consultation of surgery. plaintiff was
19 placed in special housing, which is under
20 defendant Vargo's care, as the SHU
21 health care provider. prior to being
22 under Vargo's care, plaintiff was
23 ordered medications for pain (Vicodin,
24 naproxen) and was to be ordered

1 NERVE PAIN MEDICATION (NEURONTIN)
2 HAD IT NOT BEEN FOR THE TRANSFER. LOWER
3 FEET RESTRICTIONS WERE ORDERED PRIOR TO
4 TRANSFER. AFTER GULICK REALIZED THE
5 SERIOUSNESS OF PLAINTIFFS INJURIES
6 AND PAIN, HE ROUTINELY REORDERED
7 PLAINTIFFS MEDICAL "NEEDS", BY FILE REVIEW.
8

9 36) UPON ARRIVAL AT OSP I SUBMITTED
10 A KITE TO SEE VARGO, TO RENEW THE
11 VICODINE MEDICATION OR/AND ORDER
12 THE NEURONTIN AS DISCUSSED WITH
13 GULICK. I WAS TOLD I WAS SCHEDULED
14 TO SEE VARGO. HE DIDN'T SEE ME, SO I
15 AGAIN KITED TO SEE HIM, (VIA NURSE).
16 HE AGAIN WOULDN'T SEE ME, SO AGAIN
17 I KITED HIM, REMINDING HIM OF THE
18 PREVIOUS LITIGATION ON DENIAL OF MY
19 MEDICATION. HE STILL REFUSED TO SEE
20 ME, REFUSED TO REORDER THE VICODINE,
21 NAPROXEN, LOWER FEET, OR ORDER THE
22 NEURONTIN. BECAUSE I WAS WITHOUT
23 ANY PAIN MEDICATION WHATSOEVER I
24 WAS IN "SERIOUS EXCRUCIATING PAIN."

1 I filed GRIEVANCES AGAINST VARGO,
2 AND WAS TOLD BY THE OSP HEALTH
3 SERVICES MANAGER THAT "VARGO WAS AWARE
4 OF MY PAIN ISSUES" BUT HE "REFUSES
5 TO RENEW MY MEDICATIONS". I WAS TOLD
6 TO CONTINUE TELLING THE NURSES OF MY
7 PAIN, WHICH I DID, WEEKLY. ON APPEAL
8 OF THE GRIEVANCES DEFENDANT SHELTON
9 HAD DR. DEGNER, OSP, REORDER THE
10 NAPROXEN AND ORDER THE NEURONTIN
11 MEDICATIONS. BETWEEN 11-19-08
12 AND 12-15-08 I WAS IN "EXCRUCIATING
13 PAIN" WHICH VARGO KNEW AND "INTENTIONALLY
14 INFLECTED, KNOWINGLY, MALICIOUSLY". BUT HE
15 DIDN'T STOP THERE. MORE RETALIATION OCCURED.

16
17 37) ON 12-30-08 I SUBMITTED A
18 KITE TO THE NURSE TO HAVE MY
19 BOTTOM TEIR RESTRICTIONS ORDER RENEWED,
20 AS I WAS TOLD BY STAFF IF I DIDN'T
21 I COULD BE MOVED UPSTAIRS. I WAS
22 TOLD VARGO WOULD REVIEW THE CHART.
23 FOR AN ENTIRE MONTH VARGO'S FAILURE
24 TO RENEW MY LOWER TEIR RESTRICTIONS

1 was "Vindictive", and on 1-29-09
2 he Refused to Renew the Order (by
3 SSCI medical staff on 8-20-08), even
4 though my file reflects pain shoots
5 down my leg (left) when I walk up
6 stairs. He told the nurse to tell me
7 "this is NOT A medical issue". He "Refused
8 to SEE OR EXAMINE me". Plaintiff filed
9 A grievance noting the conflict
10 between us, and my "fears" being
11 under his care. "He" Responded -
12 stating he would schedule an appoint-
13 ment to discuss the concern, but he
14 "still NEVER would see me". Finally
15 on grievance appeal defendant
16 Shelton had plaintiff scheduled to
17 be seen, and when done so (back
18 at SSCI by then), Lower tier
19 restrictions were ordered. While
20 at OSP (in March) plaintiff was
21 forced to walk up steps, daily, for
22 about a month) because Vargo refused
23 to reorder the Lower tier restrictions.
24 While in OSP's Special Housing I was

1 Ordered to move to A Cell on the
2 top tier. When inmates come out for
3 showers, recreation, exercise, they
4 walk to - from these areas. Plaintiff
5 was in excruciating pain walking up
6 the steps, even though by then I
7 was on nerve pain medication (Neurontin)
8 and Anti-Inflammatory medication
9 (Naproxen). Vargo was again "knowingly,
10 intentionally, vindictively, maliciously
11 inflicting pain on me."

12
13 38) Plaintiff's "History" with Vargo,
14 as his health care provider, made
15 Plaintiff "fear for his life", to the
16 point to where on March 13, 2009
17 Plaintiff refused surgery, unless he
18 was "Assured" Vargo would not be
19 his post-surgery health care provider.
20 However Defendant Shelton, Vargo's
21 supervisor, responded to the grievance
22 stating OSP is the facility where
23 Plaintiff would receive post-operative
24 care, and Vargo is the post-operative

1 Health care provider for the infirmary
2 where plaintiff would be. Shelton was
3 unable to assure plaintiff that Vargo
4 would not be a health care provider to
5 plaintiff after surgery, so plaintiff
6 refused the surgery, at OSP, and was
7 transferred back to SRECT.

8
9 39) Prior to leaving OSP plaintiff
10 learned of possible criminal wrong-
11 doing's by Vargo, and contacted the
12 state police. Plaintiff "fears for
13 his life" in Vargo's care, and has
14 "expressed" this to OSP medical
15 staff verbally and in writing,
16 as well as to defendant Shelton.

17
18 40) Dr Vargo knowingly, deliberately,
19 intentionally, maliciously, and recklessly
20 disregards plaintiff's rights, vindictively,
21 in retaliation for filing administrative
22 and judicial complaints against him.
23 As a result he subjected plaintiff
24 to intentional infliction of pain, by

1 denying plaintiff his medication,
 2 and denying lower tier restrictions,
 3 with intent to CAUSE ME PAIN. He has
 4 continuously violated my rights to be free
 5 from cruel and unusual punishment, and
 6 "is a threat" to plaintiff's physical well-
 7 being.

8 (HANSEN)

9 41) OSp Dr Hansen, who works
 10 "closely" with Dr. Vargo, (and Vargo
 11 is his supervisor as OSp's chief
 12 medical officer) intentionally denied
 13 plaintiff's surgery and medication,⁽³⁾
 14 causing intentional infliction of pain
 15 in violation of plaintiff's rights.

16
 17 42) ON 6-17-09 plaintiff was
 18 returned to OSp for surgery after
 19 Dr. Vargo was replaced as the special
 20 Housing Unit Health Care provider.

21
 22 / / / / / / / / / /
 23 (3) Hansen replaced Vargo as the special
 24 Housing health care provider at OSp

1 BETWEEN 6-17-09 AND 2-3-10
2 plaintiff was housed at OSP in
3 Special Housing, Inmate Management
4 Unit (IMU). During this period plaintiff
5 was seen by the outside surgeon,
6 had a new MRI done, and a emg.
7 plaintiff's medication for pain (VIOXINE)
8 was repeatedly renewed by Hansen,
9 however on 2-2-10 Hansen informed
10 plaintiff that "in his opinion" surgery
11 wasn't needed, so he was denying
12 the surgery, and would not renew
13 the medication. He further said
14 this was conveyed to the surgeon,
15 Dr. Buza, Salem. plaintiff asked
16 "why no pain medication, knowing
17 my serious severe injury". plaintiff
18 was told "live with the pain, you'll
19 get over it, or use to it". Hansen
20 had no authority to deny the surgery,
21 as the OSP-TLC (Therapeutic
22 Level of Care) Committee approved
23 the surgery at SRCI. plaintiff
24 was transferred back to SRCI 2-3-10,

1 the day After HANSEN DENIED
2 the Surgery. EVEN WHILE NOT AT OSP,
3 HANSEN ATTEMPTED TO CAUSE PLAINTIFF
4 PAIN, (AND DID SO, THOUGH BRIEFLY)

5
6 43) UPON RETURN TO SRCI (2-3-10)
7 PLAINTIFF SEEN THE NURSE TO RENEW
8 THE VICODINE WHICH WAS EXPIRING
9 2-5-10. THE NURSE SAID SHE'D
10 ASK DR. GULICK TO RENEW THE
11 MEDICATION. SHE LATER RETURNED THE
12 SAME DAY (2-4-10) AND TOLD PLAINTIFF
13 THAT DR. HANSEN AT OSP HAD BEEN
14 CONTACTED AND HE TOLD GULICK "NOT
15 TO RENEW THE MEDICATION". HE ALSO
16 TOLD GULICK "DR. BUZA SAID THE
17 SURGERY WAS NOT NECESSARY". THIS
18 DIDN'T REFLECT DR. BUZA'S REPORT,
19 SO GULICK SCHEDULED PLAINTIFF TO
20 SEE HIM, AND ON FEBRUARY 2-9-10
21 HE TOLD PLAINTIFF THAT HANSEN HAD
22 NO AUTHORITY TO CANCEL THE SURGERY,
23 AND HE HIMSELF WOULD CONTACT DR.
24 BUZA TO SEE ABOUT THE SURGERY.

1 He "reordered the Vicodine" as well,
2 and ordered a X Ray of Plaintiff's
3 back, which has gotten worse. The
4 X Ray was taken 2-18-10 and
5 Plaintiff told defendant Robinson,
6 to "make sure" this report is done
7 "correctly" and "properly documented".
8

9 44) ON 2-9-10 SRCI'S TLC Committee
10 met and Dr. Shelton was to review
11 Plaintiff's file, and Dr. Hansen's error.
12 ON 3-10-10 Dr. Shelton approved
13 the surgery, overriding Hansen's
14 denial. Plaintiff was scheduled to
15 see Galick (3-30-10) which Plaintiff
16 did. Plaintiff learned of the approval
17 for surgery again, and the Back X Ray
18 report showed "severe" damage, possibly
19 also needing surgery as well. Plaintiff's
20 Neurontin and Vicodine medications
21 were also renewed. Plaintiff conveyed
22 the OSP Vargo, Hansen conflicts, and
23 requested postponement of surgery
24 until it could be done in Ontario.

1 THIS WENT TO SRCI'S - TLC AND
2 WAS APPROVED ON 4-7-10, HOWEVER
3 ON 4-13-10 PLAINTIFF WAS "TEMPORARILY
4 TRANSFERRED" TO OSP FOR A "COURT" TRIP.
5 ON 5-11-10 BLOOD WAS DRAWN AND A UA
6 REQUESTED. ON 5-12-10 PLAINTIFF WAS TOLD
7 SURGERY WAS SCHEDULED. ON 5-13-10 A "EK6"
8 WAS DONE. PLAINTIFF INFORMED MEDICAL
9 STAFF THAT SURGERY WAS POSTPONED, BUT
10 THEY SAID "WE'RE FOLLOWING DR. HANSEN'S
11 ORDERS." PLAINTIFF FINALLY HAD TO REFUSE
12 SERVICES, UNTIL HE COULD SEE THE DEFENDANT
13 TO FIND OUT "WHY" WAS SURGERY BEING ATTEMPTED
14 "ALL OF A SUDDEN." SECURITY STAFF ALSO
15 GOT INVOLVED, AS THIS WAS NOT A MEDICAL TRANSFER.

16
17 45) FINALLY ON 5-18-10 PLAINTIFF
18 SEEN HANSEN, EXPLAINED SURGERY
19 WAS POSTPONED AND A "NEW" BACK FRAY
20 EXISTED. HANSEN CALLED DR. BUZA,
21 AND PLAINTIFF WAS TRANSPORTED TO
22 SEE BUZA. AFTER EXPLAINING THE
23 MATTER, (INCLUDING OSP VARGO, HANSEN
24 CONFLICTS) SURGERY WAS CANCELLED, AS

1 BUZA DIDN'T EVEN HAVE THE "NEW BACK"
2 REPORT. PLAINTIFF WAS RETURNED TO
3 SRCI THE NEXT DAY, 5-19-10.

4
5 46) ON 5-25-10 PLAINTIFF SEEN GULICK
6 AND EXPLAINED WHAT HANSEN ATTEMPTED
7 TO DO. GULICK REORDERED CONSULTATION
8 IN ONTARIO, REORDERED PLAINTIFFS
9 VICODINE, LOWER FEIR, BOTTOM BUNK
10 RESTRICTIONS, AND TOOK THE CASE BACK
11 TO SRCI'S TLC COMMITTEE.

12
13 47) DR. HANSENS ACTIONS AND/OR INACTIONS
14 CONSTITUTE DELIBERATE INDIFFERENCE TO
15 PLAINTIFFS SERIOUS MEDICAL NEEDS, BY
16 INTENTIONALLY DEPRIVING ME OF MEDICATION
17 FOR PAIN, AND DENYING SURGERY WITHOUT
18 AUTHORITY. HE RECKLESSLY DISREGARDED
19 MY MEDICAL CONDITION, KNOWINGLY, CAUSING
20 ME PAIN, MENTAL AND EMOTIONAL DISTRESS,
21 ANXIETY, AND PLAINTIFF IS "IN FEAR" OF
22 BEING IN HIS CARE, AS PLAINTIFFS
23 HEALTH CARE PROVIDER. DAMAGES SHOULD
24 BE AWARDED TO PLAINTIFF ACCORDINGLY.

VII. CAUSE OF ACTION

48) ODOC OFFICIALS AT SRIZ IGNORED PLAINTIFFS SERIOUS MEDICAL CONDITION AND AS A RESULT CAUSED PLAINTIFF TO BE SUBJECTED TO EXCRUCIATING PAIN, INFLECTED INTENTIONALLY, DELIBERATELY, KNOWINGLY, AND RECKLESSLY BY STAFF. THEY SUBJECTED PLAINTIFF TO CRUEL AND UNUSUAL PUNISHMENT, KNOWINGLY, IN VIOLATION OF PLAINTIFFS CONSTITUTIONAL, STATUTORY, (AND ADMINISTRATIVE RULES) RIGHTS. ADEQUATE REVIEW OF PLAINTIFFS MEDICAL FILES, IN THEIR ENTIRETY, WOULD HAVE PREVENTED THE INFLECTION OF PAIN UPON PLAINTIFF. AFTER VISUALLY SEEING THE PAIN PLAINTIFF WAS IN, THE INFLECTION CONTINUED, EACH INCIDENT, THEREFORE IT SHOULD BE "INFERRED" TO BE INTENTIONAL, DELIBERATE, KNOWINGLY, RECKLESSLY, WITH INTENT TO CAUSE ME PAIN, MALICIOUSLY, (PARTICULARLY DEFENDANT PAYNE), AND PUNITIVE DAMAGES SHOULD BE MANDATED IN SRIZ OFFICIALS' ACTION'S

1 AND/OR IN ACTION, UNDER COLOR OF
2 STATE LAW, FOR VIOLATING PLAINTIFFS
3 RIGHTS, UNDER THE FIRST, EIGHTH, AND
4 FOURTEENTH AMENDMENT OF THE UNITED
5 STATES CONSTITUTION, ARTICLE I, SECTION
6 16 OF THE OREGON (STATE) CONSTITUTION,
7 AND OREGON ADMINISTRATIVE RULES AND
8 STATUTORY LAWS OF THE STATE OF OREGON;

9
10 49) ODOC OFFICIALS AT OSP KNOWINGLY
11 REFUSED PLAINTIFFS PAIN MEDICATION,
12 INTENTIONALLY, DELIBERATELY, MALICIOUSLY,
13 TO CAUSE PLAINTIFF PAIN, CONTINUOUSLY.
14 DEFENDANT VARGO KNEW ABOUT PLAINTIFFS
15 MEDICAL CONDITION PREVIOUSLY AS HE ALSO
16 TESTIFIED IN A HABEAS CORPUS TRIAL,
17 AND ITS NOTED ABOUT HIS REFUSAL TO
18 PROVIDE MEDICATION TO PLAINTIFF. HIS
19 ACTION OR INACTION WAS MALICIOUSLY.
20 DEFENDANT HANSEN'S DEPRIVATION OF
21 MEDICATION WAS INTENTIONAL, KNOWINGLY
22 AND A RECKLESS DISREGARD FOR PLAINTIFFS
23 MEDICAL NEEDS. PUNITIVE DAMAGES SHOULD BE
24 MANDATED AGAINST THESE OFFICIALS, INDIVIDUALLY.

VIII. Requested Relief

50) wherefore plaintiff moves the Court to grant the following relief:

51) Issue an Injunction declaring that each defendant individually and/or collectively violated plaintiff's Constitutional, Statutory, and Administrative Rights, that are clearly established under the First, Eighth, and Fourteenth Amendments of the United States Constitution, Oregon Laws, and Oregon Department of Corrections - Oregon Administrative Rules, policies, and procedures;

52) Issue an Injunction against each defendant individually and/or collectively, declaring that they violated plaintiff's Constitutional, Statutory, and Administrative Laws Rights, Acting under color of state law, in their official capacity, and as a result damages are to be awarded;

1 53) ISSUE AN INJUNCTION AGAINST
2 EACH DEFENDANT, INDIVIDUALLY AND/OR
3 COLLECTIVELY, AND OFFICIALLY, DECLARING
4 THAT NOMINAL, COMPENSATORY, AND
5 PUNITIVE DAMAGES ARE AWARDED AS FOLLOWS:

6
7 1) NOMINAL DAMAGES OF \$1⁰⁰ AGAINST
8 EACH DEFENDANT JOINTLY AND
9 SEVERALLY FOUND LIABLE FOR VIOLATING
10 PLAINTIFFS RIGHTS;

11
12 2) COMPENSATORY DAMAGES OF \$10,000⁰⁰
13 AGAINST EACH DEFENDANT JOINTLY AND
14 SEVERALLY FOUND LIABLE FOR VIOLATING
15 PLAINTIFFS RIGHTS;

16
17 3) PUNITIVE DAMAGES OF \$5,000⁰⁰
18 AGAINST DEFENDANTS: SHELTON, ROBINSON,
19 NOOTH, MILLER, CAIN, \$10,000 AGAINST
20 HODGE, BONNER, GULICK, EASTWOOD,
21 CAMPBELL; \$20,000 AGAINST PAYNE;

22
23 4) PUNITIVE DAMAGES OF \$40,000⁰⁰
24 AGAINST DEFENDANTS: VARGO, HANSEN;

1 54) ISSUE AN INJUNCTION, PERMANENTLY,
2 AGAINST EACH DEFENDANT, INDIVIDUALLY AND/OR
3 COLLECTIVELY, RESTRAINING THEM FROM RETALIATING
4 AGAINST PLAINTIFF FOR FILING THIS COMPLAINT,
5 AND ORDER THAT ANY SUCH RETALIATION
6 SHALL BE CONSTRUED AS PUNISHMENT, AND
7 CONTEMPT OF COURT, PUNISHABLE BY A
8 \$1,000⁰⁰ FINE AGAINST EACH DEFENDANT
9 PERSONALLY FOUND TO HAVE RETALIATED
10 AGAINST PLAINTIFF, AFTER A HEARING,
11 BEFORE THE COURT, DUE TO PLAINTIFF'S
12 SERIOUS MEDICAL CONDITION, WHICH COULD
13 DISABLE PLAINTIFF, PERMANENTLY;

14
15 55) ISSUE AN INJUNCTION RETAINING
16 JURISDICTION OVER THIS CASE, TO HOLD
17 A HEARING IN THE EVENT OF RETALIATION,
18 FOR CONTEMPT OF COURT PROCEEDINGS;

19
20 56) ISSUE ANY INJUNCTION THAT THE
21 COURT DEEMS PROPER AND JUST IN
22 THIS MATTER, USING THE COURT'S
23 JURISDICTION AND DISCRETION;

24

1 Dated this 18th day of JUNE 2010

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24

Clayton L. Howard

CLAYTON LAMONT HOWARD

SID #5838277

777 STANTON BLVD

ONTARIO, OREGON 97914

PLAINTIFF PRO-SE

VERIFICATION

I, CLAYTON LAMONT HOWARD, UNDER OATH, SWORN TO BEFORE A NOTARY SWEAR THAT THE STATEMENTS MADE IN THE ATTACHED CIVIL RIGHTS COMPLAINT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

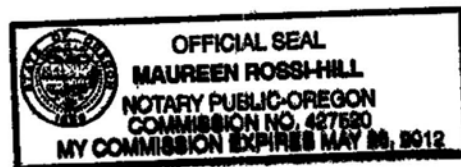
DATED THE 18TH DAY OF JUNE 2010

Clayton L. Howard
CLAYTON L. HOWARD *5838277

SWORN TO BEFORE ME ON THIS 18TH DAY OF JUNE 2010

(SEAL)

Maureen Rossi Hill
NOTARY PUBLIC
STATE OF OREGON



CERTIFICATE of MAILING

THE ATTACHED 42 USC § 1983 VERIFIED
CIVIL RIGHTS COMPLAINT, WITH APPLICATION
TO PROCEED IN FORMA PAUPERIS, AND CIVIL
COVER SHEET, WAS MAILED TO THE CLERK OF
THE COURT AS INDICATED BELOW ON THE
18TH DAY OF JUNE 2010.

CLERK OF THE COURT
U. S. D. C. OF OREGON
620 S. W. MAIN ST.
PORTLAND, OR. 97205

CLAYTON LAMONT HOWARD
CLAYTON LAMONT HOWARD #5838277
777 STANTON BLVD.
ONTARIO, OR. 97914
PLAINTIFF PRO-SE